

HAWAII
20 CON
44 ACTS

DOUBLE SYSTEM

31AM
31CON



STATE OF HAWAII OFFICE OF ASSISTANT REGISTRAR RECORDED

April 01, 2015 8:02 AM

Doc No(s) T-9221208A thru T-9221208B
on Cert(s) AS LISTED HEREIN
Issuance of Cert(s)



1 1/2 JMV
B-32608039

/s/ NICKI ANN THOMPSON
ASSISTANT REGISTRAR



STATE OF HAWAII BUREAU OF CONVEYANCES RECORDED

April 01, 2015 8:02 AM

Doc No(s) A-55690753A thru A-55690753B



1 2/2 JMV
B-32608039

/s/ NICKI ANN THOMPSON
REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL () PICKUP (X) TO:

MOTOOKA & ROSENBERG
MILTON M. MOTOOKA
1000 Bishop Street, Suite 801
Honolulu, Hawaii 96813
Tel. No. 532-7900

P:\Mary Savio Medical Plaza at Newtown\Amendments\Dec Amend 02 permitted uses.doc No. of Pages: 9
Tax Map Key No. (1) 9-8-008-026 (See Exhibit A for CPR Nos.)
TCT Nos. (See Exhibit A)

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF MARY SAVIO MEDICAL PLAZA AT NEWTOWN

WHEREAS, pursuant to that certain Declaration of Condominium Property Regime of Mary Savio Medical Plaza at Newtown dated August 13, 2012 (the "Declaration"), recorded in the Bureau of Conveyances of the State of Hawaii (the "Bureau") as Document No. A-46440570, and filed with the Office of the Assistant Registrar of the Land Court of the State of Hawaii (the "Land Court") as Land Court Document No. T-8296571, together with that certain Condominium Map, recorded concurrently with the Declaration in the Bureau as Condominium Map No. 5117, and filed with the Land Court as Condominium Map No. 2174 (the "Condominium Map"), the condominium property regime known as the "Mary Savio Medical Plaza at Newton" (the "Project") was created pursuant to Hawaii Revised Statutes ("HRS") Chapter 514B, as amended (the "Act"); and

WHEREAS, the Declaration was amended by instrument dated July 18, 2013, recorded in the Bureau as Document No. A-49520642A, and filed in Land Court as Land Court Document No. T-8603246, with necessary joinder consented thereto through joinder recorded in the Bureau as Document No. A-49520642B ("First Amendment"); and

WHEREAS, HRS Section 514B-32(a)(11) states that the Declaration, as amended, may be further amended through approval of the owners of at least sixty-seven per cent of the common interest; and

WHEREAS, by written consent, more than sixty-seven per cent of the common interest of the Project voted in favor of amending the Declaration as indicated below;

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 3.1 is deleted and replaced in its entirety as follows:

3.1. The Project is an office and retail condominium project, intended primarily but not exclusively for medical office and healthcare services, consisting of an existing three-story building containing sixty-two (62) commercial condominium units (the "Office Units"), and two (2) spatial condominium units adjacent to the building located in the exterior land areas of the Project (the "Spatial Units").

2. Section 9.1 is deleted and replaced in its entirety as follows:

9.1. Units. The Office Unit, and the Limited Common Elements appurtenant thereto, shall be used for healthcare related uses, including, without limitation, medical and dental offices, pharmacies, laboratories, surgical clinics, urgent care centers, physical therapy and rehab facilities, library and records storage, the sale of healthcare related products, and any use that is ancillary and supporting the foregoing permitted uses, as permitted by Applicable Law. Veterinary uses are prohibited at the Project. Notwithstanding any other provisions in any other governing documents of the Association including this Declaration and the Bylaws, the Board shall have the right to grant to any unit owner a variance permitting any other use not otherwise prohibited by law provided such is complimentary and not inconsistent with the purpose of maintaining the primary but not exclusive use of the Project as a healthcare facility. In the event the owner of the Makai Spatial Unit develops additional floor areas, such owner may designate certain space or units for the sale of food and beverage in the owner's sole and absolute discretion. The Spatial Units shall be used for construction of the New Buildings, and the New Buildings shall be used for the foregoing purposes and/or for parking lot and parking related uses. The Association, acting through its Board, may approve any other use if permitted by Applicable Law. The prohibition on veterinary

uses shall not apply to the use of Unit 109/111 by the tenant currently occupying Unit 109/111 as of the date of this Declaration, and such tenant may continue to operate and use Unit 109/111 pursuant to the terms of its lease until the lease is terminated or otherwise expires.

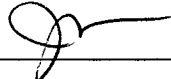
IN ALL OTHER RESPECTS, the Declaration, as amended, is hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties to it and their respective and permitted assigns. The undersigned officers of the Association hereby certify that the foregoing amendment to the Declaration was adopted by more than sixty-seven per cent of the common interest of the Association.

THIS AMENDMENT may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding that all of the parties are not signatories to the original or the same counterparts. Duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

✓ 18th IN WITNESS WHEREOF, the undersigned have executed this instrument this day of march, 2015.

ASSOCIATION OF UNIT OWNERS OF MARY
SAVIO MEDICAL PLAZA AT NEWTOWN


By



✓ Print Name Jamie S. Inka

Its President

By



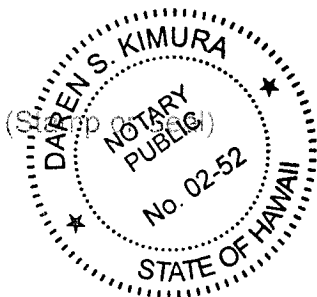
✓ Print Name Mona Suzuki

Its Secretary

STATE OF Hawaii)
(CITY AND) COUNTY OF Honolulu) SS.
)

MAR 18 2015

On this ____ day of _____, 201__, before me personally appeared
Jamie S. Ima, to me personally known or satisfactorily
proven, who, being by me duly sworn, did say that (s)he executed the foregoing
instrument as the free act and deed of such person, and if applicable in the capacity
shown, having been duly authorized to execute such instrument in such capacity.



MAR 18 2015

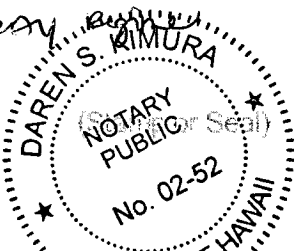
Notary Signature _____ Date _____

Typed or Printed Name: Daren S. Kimura
My Com. Exp. 2/24/18

Notary Public, State of Hawaii

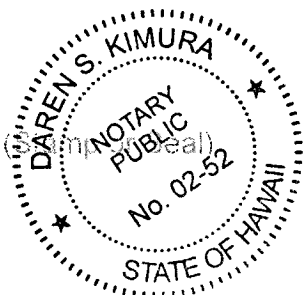
My Commission Expires: _____

| | |
|--|--------------------|
| Doc. Date: <u>N/A (No Date)</u> | # Pages: <u>10</u> |
| Notary Name: <u>Daren S. Kimura</u> | <u>1st</u> Circuit |
| Doc. Description: <u>Second Amendment</u> <u>to Declaration of Condominium Property</u> | |
| | MAR 18 2015 |
| Notary Signature | Date |



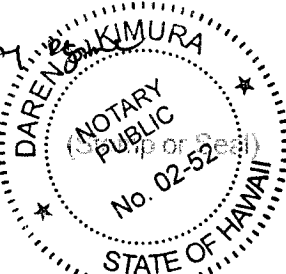
STATE OF Hawaii)
(CITY AND) COUNTY OF Honolulu) SS.
)

On this ____ day of MAR 18 2015, 201__, before me personally appeared
Mona Suzuki, to me personally known or satisfactorily
proven, who, being by me duly sworn, did say that (s)he executed the foregoing
instrument as the free act and deed of such person, and if applicable in the capacity
shown, having been duly authorized to execute such instrument in such capacity.



[Signature] MAR 18 2015
Notary Signature Date
Typed or Printed Name: Daren S. Kimura
My Com. Exp. 2/24/18
Notary Public, State of Hawaii
My Commission Expires: _____

| | |
|--|--------------------|
| Doc. Date: <u>N/A (No Date)</u> | # Pages: <u>10</u> |
| Notary Name: <u>Daren S. Kimura</u> | <u>1st</u> Circuit |
| Doc. Description: <u>Second Amendment</u> <u>to Declaration of Condominium Property</u> | |
| <u>[Signature]</u> | <u>MAR 18 2015</u> |
| Notary Signature | Date |



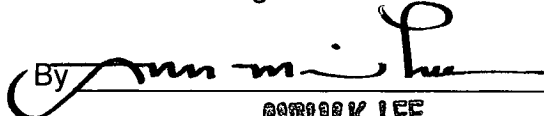
**CONSENT TO SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM PROPERTY REGIME
OF MARY SAVIO MEDICAL PLAZA AT NEWTOWN**


The undersigned, AMERICAN SAVINGS BANK F.S.B., a federal savings bank ("ASB"), as Mortgagee under that certain Real Property Mortgage and Financing Statement dated March 18, 2013, recorded in the Bureau as Document No. A-48250754, and filed in the Land Court as Land Court Document No. T-8477307, and amended by that certain Amendment to and Complete Restatement of Real Property Mortgage and Financing Statement dated June 28, 2013, recorded in the Bureau as Document No. A-49270809, and filed in the Land Court as Land Court Document No. T-8579490, and under that certain Accommodation Real Property Mortgage and Financing Statement dated June 28, 2013, recorded in the Bureau as Document No. A-49270812, and filed in the Land Court as Land Court Document No. T-8579491 made by the Association of Unit Owners of Mary Savio Medical Plaza at Newtown ('Mortgagor'), (collectively, the "Mortgages"), which Mortgages collectively affect all of Mortgagor's units in the Project, hereby joins in and consents to the Second Amendment to Declaration of Condominium Property Regime of Mary Savio Medical Plaza at Newtown (the "Amendment").

ASB is signing this consent to this Amendment only because the Mortgages collectively affect all of Mortgagor's units in the Project. The statements set forth in this Amendment are solely those of the Association of Unit Owners of Mary Savio Medical Plaza at Newtown and are not and should not be construed as statements made by or representations of ASB. ASB shall not be liable for the statements or the conduct of the Association of Unit Owners of Mary Savio Medical Plaza at Newtown and is not assuming any such liability in any way by its execution of this document.

Consented to this 14 day of November, 2014.

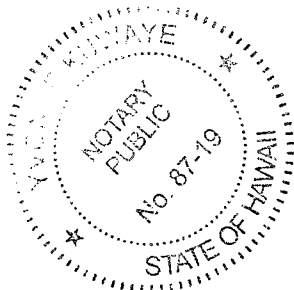
AMERICAN SAVINGS BANK, F.S.B.,
A Federal Savings Bank

By 
Print Name ANN M.K. LEE
FIRST VICE PRESIDENT
Its _____

By 
Print Name DEAN HIRABAYASHI
SR. VICE PRESIDENT
Its _____

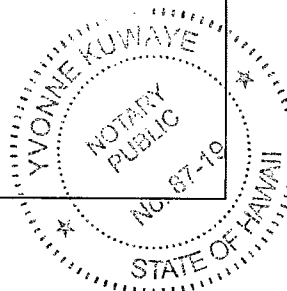
STATE OF HAWAII)
(CITY AND) COUNTY OF HONOLULU) SS.

On this 14 day of November, 2014, before me personally appeared
ANN M.K. LEE, to me personally known or satisfactorily
proven, who, being by me duly sworn, did say that (s)he executed the foregoing
instrument as the free act and deed of such person, and if applicable in the capacity
shown, having been duly authorized to execute such instrument in such capacity.



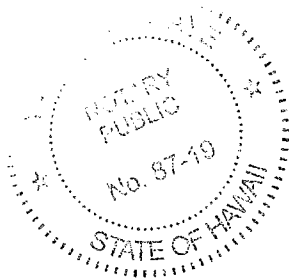
Yvonne Kuwaye 11/14/14
Notary Signature Date
Typed or Printed Name: Yvonne Kuwaye
Notary Public, State of Hawaii
My Commission Expires: 01/29/15

| | |
|--|-----------------------------|
| Doc. Date: <u>undated</u> | # Pages: <u>5</u> |
| Notary Name: <u>Yvonne Kuwaye</u> | <u>First</u> Circuit |
| Doc. Description: <u>Consent to Second Amendment to</u> <u>Declaration of Condominium Property Regime of Mary</u> <u>Savio Medical Plaza At Newtown</u> | |
| <u>Yvonne Kuwaye</u> 11/14/14 Notary Signature | Date |



STATE OF HAWAII)
(CITY AND) COUNTY OF HONOLULU) SS.

On this 14 day of November, 2014, before me personally appeared DEAN HIRABAYASHI, to me personally known or satisfactorily proven, who, being by me duly sworn, did say that (s)he executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Yvonne Kuwaye 11/14/14
Notary Signature Date

Typed or Printed Name: Yvonne Kuwaye

Notary Public, State of Hawaii

My Commission Expires: 01/29/15

| | |
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| <u>Yvonne Kuwaye</u> | <u>11/14/14</u> |
| Notary Signature | Date |

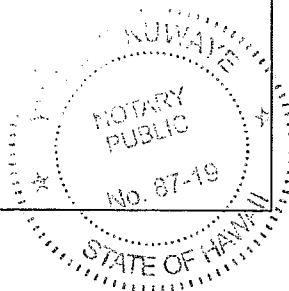


Exhibit "A"

**Mary Savio Medical Plaza at Newtown
Land Court Condominium Map No. 2174
Regular System Condominium Map No. 5117**

List of Current Transfer Certificate of Title Numbers

| <u>Unit No.</u> | <u>TCT No.</u> | <u>Unit No.</u> | <u>TCT No.</u> | <u>Unit No.</u> | <u>TCT No.</u> |
|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| 101 | 1,044,426 | 204 | 1,051,642 | 307 | 1,062,576 |
| 102 | 1,044,426 | 205 | 1,065,427 | 308 | 1,044,426 |
| 103 | 1,054,042 | 205A | 1,071,674 | 309 | 1,044,426 |
| 104 | 1,056,416 | 206/208/210 | 1,063,753 | 310A | 1,061,298 |
| 105 | 1,053,051 | 207/209/211 | 1,044,426 | 310B | 1,061,300 |
| 106 | 1,061,409 | 212 | 1,062,674 | 311 | 1,052,538 |
| 107/107A | 1,061,738 | 213 | 1,044,426 | 312 | 1,061,302 |
| 108A | 1,062,470 | 214 | 1,058,049 | 312A | 1,061,304 |
| 109B | 1,061,737 | 215 | 1,044,426 | 314 | 1,059,360 |
| 109/111 | 1,044,426 | 216/218 | 1,071,467 | 315 | 1,044,426 |
| 110 | 1,051,641 | 217A | 1,062,675 | 316 | 1,059,361 |
| 113/115 | 1,085,612 | 219B/219C | 1,050,000 | 318/320A | 1,062,575 |
| 114 | 1,061,126 | 220 | 1,062,937 | 319 | 1,054,077 |
| 116 | 1,062,372 | 222 | 1,061,123 | 320 | 1,044,426 |
| 117A | 1,044,426 | 223 | 1,052,160 | 321 | 1,056,417 |
| 117B | 1,044,426 | 224 | 1,058,486 | 322 | 1,064,626 |
| 118A | 1,062,366 | 301 | 1,062,938 | 324 | 1,044,426 |
| 118B | 1,054,752 | 302 | 1,055,382 | 325 | 1,052,539 |
| 119 | 1,062,371 | 303 | 1,062,939 | S-1 | 1,044,426 |
| 122 | 1,062,936 | 304 | 1,044,426 | S-2 | 1,057,473 |
| 202 | 1,051,762 | 305 | 1,044,426 | | |
| 203 | 1,044,426 | 306/306A | 1,062,782 | | |